

REMARKS

Applicant has carefully reviewed the Application in light of the Notice of Allowance mailed February 24, 2010. In the Notice of Allowance, Claims 1, 3, 5-8, 10-16, 18-19, 21, and 24-26 were allowed. Applicant amends Independent Claims 1, 8, and 16, without prejudice or disclaimer. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Information Disclosure Statement

Applicant submits herewith an Information Disclosure Statement and respectfully requests the Examiner to consider the cited co-pending application and other references.

Specification

After receiving a Notice of Allowance issued by the Examiner on January 12, 2010, for the present application, Applicant discovered some apparent typographical errors in the Amendment to the Specification filed November 15, 2007. It appears that original paragraph [0030] was inadvertently replaced with an amended paragraph corresponding to original paragraph [0028]. For clarity, Applicant has amended and replaced pertinent paragraphs containing errors. Applicant submits that no new matter has been added. To the extent that text has been added, Applicant submits that the added text was present in the application as filed on March 30, 2004, in the U.S. Patent and Trademark Office.

Interview Summary

Applicant thanks the Examiner for conducting the telephone interview on May 21, 2010, and for the thoughtful consideration of this case. During the telephone interview, Applicant and Examiner discussed amendments to correct the Specification and possible amendments to the allowed claims. The Examiner and Applicant agreed to modest amendments to the Independent Claims. Any subsequent amendments to the claims were not based on reasons related to patentability and Applicant reserves the right for future commentary concerning the rationale behind these amendments.

Discussion of Amendments

The Examiner has previously allowed Independent Claims 1, 8, and 16, and corresponding dependent claims. As discussed with the Examiner, Independent Claim 1 has been amended to recite “calculating a set of signatures associated with the reassembled objects” without the limitation “based on the content type”. Independent Claims 8 and 16 have been amended in similar ways. It is respectfully submitted that the amended claims are patentable over the art of record at least in part because none of the references alone or in combination teach, suggest, or disclose each claim limitation of the Independent Claims.

For example, with respect to Independent Claim 1, no reference of record provides for “*....reassembling the packets into an intercepted complete flow, wherein the intercepted complete flow represents an ordered data stream of a communication between the source and the destination; extracting a reassembled object from the complete flow to determine a content type of the reassembled object; calculating a set of signatures associated with the reassembled object....*

 These important limitations are provided for in Independent Claim 1, but no reference of record includes this combination of elements.

For at least these reasons, Independent Claim 1 is allowable over the references previously cited by the Examiner. The other Independent Claims 8 and 16 recite similar, but not identical, limitations and, therefore, would be allowable using a similar rationale. Additionally,

ATTORNEY DOCKET NO.
06897.P007
Confirmation No. 8137

PATENT APPLICATION
10/815,239

11

the corresponding dependent claims from these independent claims are also patentably distinct for analogous reasons.

ATTORNEY DOCKET NO.
06897.P007
Confirmation No. 8137

PATENT APPLICATION
10/815,239

12

CONCLUSION

Applicant has made a sincere effort to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

An Information Disclosure Statement is being filed simultaneously herewith. The Request for Continued Examination fee in the amount of \$810 is being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,
Patent Capital Group
Attorneys for Applicant

/Thomas J. Frame/
Thomas J. Frame
Reg. No. 47,232

Date: May 24, 2010

Customer No. 78855